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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,326	03/07/2006	Zhengbin Yao	TNX1001	7572
<div>7590      06/13/2007</div> <div>Cheryl Liljestrand Tanox Inc 10301 Stella Link Houston, TX 77025-5497</div>				
			EXAMINER HILL, KEVIN KAI	
			ART UNIT 1633	PAPER NUMBER
			MAIL DATE 06/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10528326	3/7/2006	YAO ET AL.	TNX1001

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EXAMINER

Kevin K.. Hill, Ph.D.

ART UNIT	PAPER
1633	20070531

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See attached Page 2

## Detailed Action

1. The response to the Requirement for Restriction mailed April 23, 2007 is non-responsive because Applicant did not explicitly elect an invention. Applicant argues that an election was made from the first Requirement for Restriction mailed February 12, 2007. However, the amendment filed on February 12, 2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Cancellation of all claims germane to the first Restriction rendered said election moot, and the entered new claims necessarily precipitated the second Requirement for Restriction.

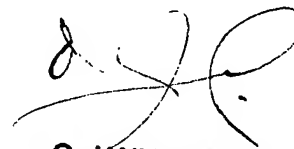
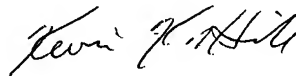
Applicant is advised that the reply to the requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin K. Hill, Ph.D. whose telephone number is 571-272-8036. The examiner can normally be reached on Monday through Friday, between 9:00am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph T. Voitach can be reached on 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Q. JANICE LI, M.D.**  
**PRIMARY EXAMINER**